

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
APRIL 20, 1998 - 7:00 P.M.**

ROLLCALL Answering rollcall were Members Faust, Hovland, Kelly, Maetzold and Mayor Smith.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Maetzold and seconded by Member Hovland to approve and adopt the Consent Agenda as presented with the exception of Agenda Item III.A. Set Public Hearing Date (5/4/98) Conditional Use Permit, Christ Presbyterian Church Expansion.

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Motion carried.

APRIL 24, 1998 PROCLAIMED AS ARBOR DAY Mayor Smith proclaimed April 23, 1998, as Arbor Day in the City of Edina. In 1872, J. Sterling Morton of Nebraska, proposed a special day be set aside for the planting of trees. Arbor Day is now observed throughout the nation and the world. Trees are a valuable resource, purifying air, conserving soil and energy, providing wildlife habitat, and enriching our lives in important ways. Mayor Smith called upon the citizens of Edina to plant trees now for pleasure and for the pleasure of future generations.

***MINUTES OF THE REGULAR MEETING OF APRIL 6, 1998, SPECIAL MEETING OF APRIL 6, AND BOARD OF REVIEW MINUTES OF APRIL 13, 1998, APPROVED** Motion made by Member Maetzold and seconded by Member Hovland approving the Minutes of the Regular Meeting of April 6, 1998, Special Meeting of April 6, 1998, and Board of Review Minutes of April 13, 1998.

Motion carried on rollcall vote - five ayes.

PUBLIC HEARING CONTINUED CONCRETE SIDEWALK IMPROVEMENT NO S-75 (MAPLE ROAD) UNTIL JUNE 1, 1998 Affidavits of Notice were presented, approved and ordered placed on file.

Engineer's Presentation

Engineer Hoffman explained the City received a petition from residents requesting sidewalks on Maple Road June 6, 1997. Engineer Hoffman noted the considerations for this project included: traffic issues related to the street being the southerly access to the neighborhood for 130 homes, cut through traffic from the nearby freeway, and traffic avoiding 50th Street. In addition, Maple Road is lined with mature trees and has over 55 children from newborn to 17 years old living in the neighborhood. Neighborhood traffic counts conducted between April 9 and April 15, 1998 indicated 650 to 998 car trips per day for the 4900 block of Maple Road and 367 to 635 car trips per day for the 4800 block of Maple Road. Research has indicated that residents become uncomfortable with safety issues when trips are between 500 and 1,000 per day. Engineer Hoffman added that staff felt the volume of traffic along Maple Road justifies separating pedestrian and vehicular traffic.

Minutes/Edina CityCouncil/April20, 1998

Member Maetzold pointed out that any traffic restrictions would apply to neighborhood residents as well as cut through traffic.

Member Faust asked if Maple Road traffic has increased significantly more than other City streets. Engineer Hoffman replied that traffic counts conducted between April 9 and 15, 1998, indicated the car trips per day were between 367 at the low end and 998 at the high end.

Member Hovland asked if there could be coordination of traffic lights at Halifax and France Avenues. Engineer Hoffman replied this coordination would be part of the project.

Engineer Hoffman introduced Assistant Engineer Houle. Assistant Engineer Houle noted that staff hosted an informational meeting in January of 1998, and conducted a survey of residents. The neighborhood also formed an ad hoc committee that requested the public hearing be deferred for one month. Assistant Engineer Houle noted that many residents had corresponded with the City to indicate their position on the proposed sidewalk. He reported the following survey results:

Do sidewalks increase safety?:	18 yes	15 no
Do you support sidewalks?:	13 yes	22 no
Adjacent to roadway	8 yes	24 no
Along property line	9 yes	25 no

Assistant Engineer Houle stated staff would propose construction of five foot sidewalks on both sides of Maple Road. The sidewalks would be installed at the property line and meander in alignment to avoid the trees . He presented graphics depicting the neighborhood today and with sidewalks added. The total cost of the sidewalk improvement is estimated at \$79,600 and proposed to be assessed on a per lot basis at \$2,000 per assessable lot. Back yards and side yards would be assessed at one third of the \$2,000 per lot rate.

Member Hovland asked if there has been any flooding on Maple Road. Assistant Engineer Houle noted there is a low spot near 4900 Maple Road. Engineer Hoffman added any storm sewer would be paid for out of the Utility Fund.

Mayor Smith opened the hearing for public comment.

Public Comment

Edward Claire, 4825 Maple Road stated he was against the sidewalk. Mr. Claire voiced his desire to have the trees left unharmed. He also noted there are drainage issues in the 4800 block of Maple and adding sidewalk will exacerbate these problems.

Mike Stolee, 4824 Maple Road, said he appreciated the opportunity to learn how the petition process worked. However, Mr. Stolee felt sidewalk would be too intrusive and dangerous to the trees on Maple Street. It would bring the public fifteen feet closer to his living room window and it is also too expensive. Mr. Stolee stated that according to his survey, 68.9% of the residents of Maple Road oppose the proposed installation of sidewalks. He added that his surveys are, in his opinion, a petition not to install sidewalk. Mr. Stolee also questioned the legality of the notice because the published notice stated the estimated project cost to be \$79,600, but the mailed notice stated the estimated cost to be \$29,000. Mr. Stolee presented completed resident surveys from the ad hoc committee to be placed on file.

Henry Barksdale, 4801 Maple Road, stated he initially signed the petition circulated on Maple Road because of concern over safety of children. He said this was a common urban community asking for a common urban solution to a problem. Installation of sidewalks could help neighborhood immediately. The 55 children in the neighborhood are his main concern. Mr. Barksdale indicated he would trust engineers to take necessary precautions to save the Maple Road trees.

Barbara Tubman, 4900 Maple Road, observed she had lived on Maple Road since 1981 and raised three children. Ms. Tubman noted there has always been a large number of children on Maple Road. She stated, that in her opinion it is the parents' responsibility to safeguard their children. When Ms. Tubman bought her home she knew there were no sidewalks. She does not want to lose the trees and landscaping. Ms. Tubman urged the Council to address the safety concern in some other way.

Charlene Witherell, 4932 Maple Road, said she would not mind having left hand turns prohibited on Maple Road. Ms. Witherell stated that she had no idea until January of 1998 that in June of 1997, neighborhood residents had circulated a petition. Ms. Witherell said she had been a resident for eighteen years and traffic has always been an issue, although it has increased. She bought her house knowing there was no sidewalks and believes other issues need investigation before sidewalks are installed.

Chris Elliot, 4701 West 48th Street, noted he had been a resident since 1983. He said when he moved in there were no young children, but now there are a number of young children. He has three children, ages three, seven and ten. Mr. Elliot stated he felt it important for the Council to know that 88% of the Maple Road residents agree there is a safety issue. Residents also agree the safety of children is an issue. Mr. Elliot felt \$250/year was an insignificant cost compared to the safety of a child. He added that sound public policy should take care for the greater good. Mr. Elliot believed the potential for damage to the trees or that sidewalks would reduce home values was inconclusive. He stated the demographics of traffic are causing the problems and must be dealt with soon. Installation of sidewalks appeared to be the only prudent approach with immediate benefit. Mr. Elliot expressed concern with making public policy decisions based on aesthetics. Instead there must be a balance of inherent risk versus benefit. He suggested the Council would be responsible if they vote down the sidewalks and a child is injured.

Jon Andersen, 4804 Maple Road, stated he bought his home because he liked the look of the street. Mr. Andersen objected to losing a portion of his front yard and the potential loss of trees.

Mary Wyffels, 4920 Maple Road, noted that the Engineering Department's survey and that of the ad hoc committee found the majority of the residents are opposed to the sidewalks. For this reason, Ms. Wyffels urged the Council not to install sidewalks on Maple Road.

Larry Eastmen, 4928 Maple Road, stated he believed residents opposing the sidewalks were doing so because of the cost, a material issue. He felt the issue is not a cost issue, but rather a safety issue. Sidewalks would make the neighborhood a safer place.

Mike Martin, 4905 Maple Road, stated it is parents' responsibility to take necessary steps to restrict children's access to the street in order to keep them safe. Parents and not the City should bear the burden of safety. Installing sidewalks will not ensure neighborhood safety.

Minutes/Edina City Council/April 20, 1998

Kathleen Godfrey, West 49th Street, stated the safety of children is not the only issue. Ms. Godfrey stated all pedestrians are at risk on Maple Road. She added there is no place to walk, and reminded that after a certain age it is unrealistic to think parents can control where their children walk. Ms. Godfrey urged the Council to install the sidewalks.

Tom Becker, 4828 Maple Road, stated he favored the installation of sidewalks. He wanted a safe environment for all pedestrians. He agreed the sidewalks are a safety issue, unlike the aesthetic issue of the trees. Mr. Becker added that trees are only pruned at certain times and he trusted the staff to be the least disruptive to the trees as possible. Traffic has increased dramatically on Maple Road. Mr. Becker said he did not realize how busy Maple Road was when he bought his home. He supported the installation of the sidewalks.

Lisa Holmberg, 4811 Maple Road, said one of the benefits of living in Edina is the "Village" feel. She pointed out the "Growing Small" concept would be increased by installing sidewalks because it would further the "small town" neighborhood experience. Ms. Holmberg urged the Council to consider sidewalks for more than just Maple Road, because in her opinion, this is a bigger issue than just one neighborhood.

Council Discussion:

Mayor Smith noted staff had followed current public policy which waits to install sidewalks until they are requested. When residents want sidewalks they obtain a petition which is what took place with the Maple Road residents. Staff then looks at the request on a larger scope: for instance, the need for curb, gutter, storm sewer, etc., then makes a recommendation based upon their analysis. The City has had a policy that when sidewalks are installed based upon a petition from the majority of the residents, the residents are assessed the cost. He acknowledged residents' concern that they were unaware a petition had been received in June of 1997 until January 1998, noting the process will be reviewed. The Council may decide upon a different policy regarding the installation of sidewalk. Mayor Smith took issue with residents saying if sidewalks are not installed and an accident happens responsibility is the Councils. He stated he would feel bad if anyone was hurt, but stated that responsibility rests with the circumstances of the incident, not decisions of public policy.

Member Faust observed the proposed sidewalk has generated a great deal of mail. She noted there are many issues to consider on Maple Road: preservation of mature trees, the proximity of the proposed sidewalks to the houses, safety of children, traffic and overall pedestrian safety. However, Member Faust said, in her opinion, you cannot assess for installation of sidewalks when the majority of residents do not want it.

Member Maetzold stated he favored sidewalks. He believes the situation calls out for sidewalk. Maple Road is almost at a collector level for streets and he can only envision traffic increasing in the future. The street was not built to be a collector. Traffic in all suburban cities is rising because of congested freeways, more persons are commuting throughout the twin cities. Member Maetzold said the Maple Road sidewalk is a safety issue of children and other pedestrians, rather than trees or costs. He reported that he would feel badly if he had not taken this position and a child were injured. Member Maetzold believes the number of children in the area will continue to increase because in his experience, the number of children has grown dramatically throughout Edina. Member Maetzold felt that it is a matter of public policy to create a safe environment for residential neighborhoods and therefore, perhaps some way can be found to assist in the cost of

installing sidewalks. He stated he did not hear anyone state the Maple Road issue is not a safety concern.

Member Hovland acknowledged the response of the residents to the proposed sidewalk. He commended the neighbors for their willingness to participate in the process. Member Hovland believed the Maple Road sidewalk is not an issue of sidewalks in isolation. Safety is bound into this issue. He pointed out that the majority of the residents' survey responded yes there was a safety concern and a traffic concern on Maple Road. Member Hovland noted the City's traffic consultant recommended installation of sidewalks as the most logical solution to the concern. He questioned whether this should be looked at on a larger scale, e.g. drainage, curb and gutter, storm sewer and street reconstruction. He suggested the street be posted with 25mph advisory signs, and the lighting improved. Member Hovland stated he would support sidewalks in the area.

Member Kelly said he has driven the area a number of times and noted he agreed with Members Maetzold and Hovland in supporting the installation of sidewalks because of the importance of public safety. Member Kelly stated he believes the "majority issue" needs to be carefully scrutinized. Whether in Edina, or elsewhere, there are many times the "majority" wishes to do something or not do something, however, simply because the "majority" wants it, does not make it right. He stated in his opinion the hallmark of bad government is one that blindly endorses what the majority wants to do. Member Kelly acknowledged that the Maple Road sidewalk was a divisive issue, however, if someone is going to be upset by his decision, then the decision must be one of public safety of children and pedestrians. Member Kelly grew up in a neighborhood where all parents were concerned about all children and he believes Edina is still that way.

Mayor Smith said previously, he had stated the current public policy regarding sidewalks. Mayor Smith agreed with the importance of the safety issue in the neighborhood. However, he questioned if installing five foot sidewalks is the only solution, and stated his concern that two five foot sidewalks in the neighborhood may bring the street closer to the homes, and possibly change the look of the neighborhood. He would not support two five foot sidewalks in this area and urged that staff look for a new design. Mayor Smith asked staff to evaluate whether, when certain traffic levels exist, would City participation become appropriate. Engineer Hoffman explained that the Engineering Department would not propose a two or three foot sidewalk, however, they would review designs for four, five or six foot sidewalks.

Member Maetzold asked staff to review whether City participation should be considered.

Member Kelly asked if Maple Road could be designated as a state aid road. Engineer Hoffman explained the City has only so many miles allocated to it for state aid streets and that if Maple Road is designated a state aid road then another street must lose its designation. He added that staff will bring back a report on public participation in the sidewalk.

The Council discussed the type of vote needed for the project since it appeared that fewer than 35% of the residents signed the petition, and whether or not the notice was deficient. Manager Rosland suggested allowing staff to re-notify the residents, allowing staff to review the proposed design and City cost participation, and allowing the City Attorney to research exactly the type of vote needed, then bring back to Council at a later date. Member Faust will be absent at the May 18, 1998, therefore it was suggested to continue the issue to June 1, 1998.

Minutes/Edina City Council/April 20, 1998

Mayor Smith directed staff to re-notify the residents, review the proposed design, look at potential City cost participation, research the legal vote needed to order the improvement, and he continued Council action until June 1, 1998.

STREET RESURFACING IMPROVEMENT NO. A-183 AND STORM SEWER IMPROVEMENT NO. STS-252 (WOODDALE GLEN) APPROVED Affidavits of Notice were presented, approved and ordered placed on file.

Assistant Engineer Houle stated the City received a petition from 100% of the Wooddale Glen residents requesting resurfacing of their street and installation of storm sewer. He explained the proposed project would reconstruct Wooddale Glen from Wooddale Avenue to the end of the cul-de-sac along with the addition of a catch basin located on the easterly end of the project. The estimated cost of the project is \$27,700 assessed at \$4,900 per assessable lot with one back yard assessment at the one third rate.

No public comment was heard.

Member Hovland introduced the following resolution and moved its adoption:

RESOLUTION

WHEREAS, the City Council at their March 16, 1998, regular meeting, set a public hearing for Improvement No. A-183 and STS-252 Street Resurfacing and Storm Sewer Improvement to Wooddale Glen and

WHEREAS, a resolution of the City Council April 6, 1998, accepted the feasibility report for said improvement; and

WHEREAS, ten days' mailed notice and two weeks' published notice of the hearing were given and the hearing was held thereon on the 20th day of April, 1998, at which time all persons desiring to be heard were given an opportunity to be heard thereon.

NOW, THEREFORE, BE IT RESOLVED by THE EDINA CITY COUNCIL, that Street Resurfacing and Storm Sewer Improvement to Wooddale Glen, Improvement Nos. A-183 STS-252 is ordered as proposed.

BE IT FURTHER RESOLVED, that the City Engineer is authorized to prepare plans and specifications and advertise for bids for the making of said improvement.

Adopted this 20th day of April, 1998. Member Faust seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Resolution adopted.

CURB AND GUTTER IMPROVEMENT NO A-095 (WOODDALE LANE) APPROVED Affidavits of Notice were presented, approved and ordered placed on file.

Assistant Engineer Houle noted the City received a petition August 8, 1997, from 100% of the Wooddale Lane residents requesting street resurfacing with curb and gutter. The proposed project would involve reclaiming the existing bituminous, then installing concrete curb and gutter, and repaving the roadway. The estimated project cost is \$36,600 to be funded by approximately \$4,100 per assessable lot along Wooddale Lane.

Member Faust questioned whether the reclamation process has been adequately tested. Engineer Hoffman explained the test results of the already rebuilt streets using the reclamation process were satisfactory and the cost savings would recommend using this process.

Public Comment

Greg Walling, 5015 Wooddale Lane, asked if his property would need a retaining wall. Assistant Engineer Houle explained staff would work with Mr. Walling and only install a retaining wall if absolutely necessary.

Member Kelly introduced the following resolution and moved its adoption:

RESOLUTION

WHEREAS, the City Council at their March 16, 1998, regular meeting, set a public hearing for Improvement A-095 Curb and Gutter Improvement to Wooddale Lane; and

WHEREAS, a resolution of the City Council April 6, 1998, accepted the feasibility report for said improvement; and

WHEREAS, ten days' mailed notice and two weeks' published notice of the hearing were given and the hearing was held thereon on the 20th day of April, 1998, at which time all persons desiring to be heard were given an opportunity to be heard thereon.

NOW, THEREFORE, BE IT RESOLVED by THE EDINA CITY COUNCIL, that Curb and Gutter Improvement to Wooddale Lane, Improvement No. A-095 is ordered as proposed.

BE IT FURTHER RESOLVED, that the City Engineer is authorized to prepare plans and specifications and advertise for bids for the making of said improvement.

Adopted this 20th day of April, 1998. Member Hovland seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Resolution adopted.

PUBLIC HEARING DATE SET FOR MAY 4, 1998 - CONDITIONAL USE PERMIT (CHRIST PRESBYTERIAN CHURCH) Member Faust said she removed the setting of May 4, 1998, as public hearing for the Conditional Use Permit for Christ Presbyterian Church questioning whether variances would be required for the site. Planner Larsen said the size of the lots is known but will wait to see how they compare to the rest of the 500 foot neighborhood.

Mayor Smith suggested the Council would need all pertinent information on the site prior to the May 4, 1998, meeting in order to make a decision. Planner Larsen said all information provided by the proponents will be made available to the Council previous to the hearing.

Member Hovland made a motion setting May 4, 1998, as Public Hearing Date for the Conditional Use Permit for the Christ Presbyterian Church expansion. Member Maetzold seconded the motion.

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Motion carried.

***BID AWARDED FOR IRRIGATION SYSTEM - ARNESON ACRES PARK** Motion made by Member Maetzold and seconded by Member Hovland for award of bid for Arneson Acres Park Irrigation System to recommended low bidder, Albrecht at \$21,345.00.

Motion carried on rollcall vote - five ayes.

***BID REJECTED FOR SALT STORAGE BUILDING (PUBLIC WORKS)** Motion made by Member Maetzold and seconded by Member Hovland to reject all bids for the salt storage structure as submitted and have determined the public works crew could effectively build the structure.

Minutes/Edina City Council/April 20, 1998

Motion carried on rollcall vote - five ayes.

***BID AWARDED FOR ARTICULATED SIDEWALK PLOW** Motion made by Member Maetzold and seconded by Member Hovland for award of bid for an articulated sidewalk plow to sole bidder, MacQueen Equipment at \$51,592.86.

Motion carried on rollcall vote - five ayes.

***TRAFFIC SAFETY REPORT OF APRIL 7, 1998, APPROVED** Motion made by Member Maetzold and seconded by Member Hovland approving Section A of the Traffic Safety Staff Report of April 7, 1998;

1. Requesting Fairview Southdale Hospital to draft a letter to the Minnesota Department of Transportation (Mn/DOT) requesting a signing change proposal and requesting a letter from the City of Edina to accompany the Hospital letter requesting a change regarding the Fairview Southdale sign advising traffic to use the Valley View exit;
2. Request by staff at the business at 4400 France for 1 hour parking restriction posted for the south side of West 44th Street from France Avenue to the alley entrance/exit;

and to acknowledge Sections B and C.

Motion carried on rollcall vote - five ayes.

RENAMING OF BRAEMAR ARENA COMMONS AREA TO JERRY DALEN COMMONS

Park Director Keprios explained at the March 10, 1998, meeting, the Park Board approved Manager Rosland's recommendation to name the new commons area at Braemar Arena, "The Jerry Dalen Commons". Jerry Dalen started working for the City of Edina in November 1955, and retired after 28 years in 1983 and is known as one of Edina High School hockey's biggest fans.

After a brief discussion, **Member Maetzold made a motion to rename the Braemar Arena Commons, "The Jerry Dalen Commons"**. Member Hovland seconded the motion.

Ayes: Faust, Hovland, Maetzold, Smith

Abstaining: Kelly

Motion carried.

REGULATION OF CAMPAIGN SIGNS APPROVED; DRAFT ORDINANCE ORDERED

Assistant Manager Hughes reported staff was asked to review the City Code with respect to the regulation of political campaign signs as well as if the Code should be amended providing more restrictions on size and number of such signs, especially restrictions limiting property owners to one sign per candidate.

Section 460 of the City Code provides that:

"Subd. 4 Campaign Signs. Subject to the applicable provisions of M.S. 211B.045, signs may be posted from August 1 in a State General Election year until ten days following the State General Election. Campaign signs erected in conjunction with elections held at times other than a State General Election are subject to the following restrictions:

- A. Maximum Size - six square feet
- B. Maximum Number - one sign for each candidate per frontage
- C. Maximum Duration - 60 days prior to the election until seven days following the election."

Based upon this Subdivision, the City clearly may regulate signs during off-year elections (such as School Board Elections) or for special elections such as bond issue referenda. During State-wide elections, however, M.S.211B.045 affects our ability to regulate campaign signs.

M.S.211B.045 Provides As Follows:

“In any municipality with an ordinance that regulates the size of noncommercial signs, notwithstanding the provisions of that ordinance, all noncommercial signs of any size may be posted from August 1 in a State General Election year until ten days following the State General Election.”

Assistant Manager Hughes said he believes this statute clearly prohibits the City from restricting the size of non-commercial opinion signs during the stated time period. (A non-commercial opinion sign, such as a campaign sign, is one that expresses an opinion deemed by the courts to have greater protection than other signs such as those which advertise products, businesses, services, events and other matters of a commercial nature).

It is unclear if M.S.211B.045 likewise prohibits regulations restricting the number or the location of such non-commercial signs during general elections. The League of Minnesota Cities (LMC) research specialist responded that the City may not be able to regulate the number of campaign signs, but can probably regulate their placement, especially relating to their proximity to public right-of-way. Attorney Gilligan agrees with their interpretation especially in light of case law dealing with such matters.

If the City concluded it could restrict the number of signs per candidate per lot, enforcing such a limitation would be very difficult. An additional concern would be that limiting the number of campaign signs may inadvertently encourage larger signs proving to be of even more concern than multiple signs.

Assistant Manager Hughes concluded based upon our interpretation of State Law and case law as well as the above concerns, we do not recommend an amendment to the City Code which limits the number of signs during the General Election season.

Notwithstanding the previous recommendation, staff believes the City Code should be amended with respect to the placement of campaign signs. The City Code currently provides that all signs, whether temporary or permanent, must be set back at least 20 feet from a street and may not be placed on a public right-of-way (the boulevard). Since the width of the boulevard varies from location to location, it is difficult to know if the sign has been placed on a right-of-way. A simpler way may be to require campaign signs to observe a ten foot or so setback from the traveled portion of a street but not worry whether it is on a City right-of-way.

Following a brief discussion, Council consensus directed staff to draft a City Code amendment regulating the placement of campaign signs at a ten foot or so setback from the traveled portion of a street and to include it on the May 4, 1998, Council agenda.

RESOLUTION AMENDING CENTENNIAL LAKES TRAFFIC AGREEMENT APPROVED

Assistant Manager Hughes noted at the April 6, 1998, meeting, the Council adopted a resolution relating to the Centennial Lakes Traffic Agreement in order to clarify the effect of this agreement on the Phase 3 office building. The City of Bloomington, which is party to the Agreement, approved a similar resolution. At the April 6, meeting, Attorney Gilligan advised that an

Minutes/Edina City Council/April 20, 1998

Amendment to the Agreement was being negotiated with Bloomington and would be submitted to the Council for approval.

Staff proposed to amend the respective agreement for the purpose of simplifying their requirements. The amendments would provide the following:

- Traffic counts may now be initiated at any time following commencement of the fourth office building at Centennial Lakes and the third building at Minnesota Center rather than following completion and occupancy of these buildings. This would allow the developments to proceed without unnecessary delays.
- The initiation of the traffic counts and studies are now triggered by the construction of a certain amount of office floor area on the respective sites rather than the construction of specific office buildings. This would take into account that the plans for each project have changed since the original approvals. (Under the present agreement, building four at Centennial Lakes could not proceed until building three is built and occupied followed by the completion of the traffic study. This would effectively delay building four until 1999 which could effect our ability to complete south park and collect tax increments in a more timely fashion.)
- Hennepin County and Mn/DOT no longer involved in the traffic studies. This seemed to be an unnecessary complication.
- The requirements for post development traffic counts and remedial actions has been eliminated in that it places long term burdens on these properties that are not shared by other properties in the area. Also, the present development plans for Minnesota Center and Centennial Lakes makes it extremely doubtful that the maximum traffic generation for these properties will ever be reached.
- The maximum traffic generation which could result from each development remains unchanged.

Member Hovland made a motion approving the Amendment to the Centennial Lakes Agreement and authorizing the Mayor and City Manager to execute the Amendment to the Resolution adopted April 6, 1998. Member Maetzold seconded the motion.

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Motion carried.

***RESOLUTION ORDERING "NO PARKING" ON WEST 78TH STREET Member Maetzold introduced the following resolution and moved its adoption, seconded by Member Hovland:**

**RESOLUTION
RELATING TO PARKING RESTRICTIONS ON
WEST 78TH STREET FROM EAST BUSH LAKE ROAD
TO GLEASON ROAD (S.A.P. 120-160-05)**

THIS RESOLUTION, passed this 20th day of April, 1998, by the City of Edina, in Hennepin County, Minnesota. The Municipal corporation shall hereinafter be called the "City", WITNESSETH:

WHEREAS, the "City" has planned the improvement of MSAS 160, West 78th Street from East Bush Lake Road to Gleason Road.

WHEREAS the "City" will be expending Municipal Street Aid Funds on the improvement of this Street, and

WHEREAS, this improvement does not provide adequate width for parking on both sides of the street; and approval of the proposed construction as a Municipal State Aid Street project must therefor be conditioned upon certain parking restrictions.

NOW, THEREFORE, IT IS THEREBY RESOLVED that the "City" shall ban the parking of motor vehicles on both sides of MSAS 160, West 78th Street, at all times.

Dated this 20th day of April, 1998.

Motion carried on rollcall vote - five ayes.

*RESOLUTION RECEIVING PETITION AND ORDERING PROJECT AUTHORIZING TRAFFIC SIGNAL AT WEST 76TH STREET AND UNITED PROPERTIES DRIVEWAY (100% PETITION IMPROVEMENT) Member Maetzold introduced the following resolution seconded by Member Hovland:

RESOLUTION RECEIVING PETITION
AND ORDER TRAFFIC SIGNAL (TS-24)

WHEREAS, a certain petition, signed by the property owners of 7601 and 7501 France Avenue requesting a traffic signal at their driveways, and requesting the Council assess the entire cost of said improvement against the aforementioned property owners, was received by the City Council at their January 5, 1998, meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE City Council for the City of Edina, Minnesota as follows:

1. It is hereby found and determined that a petition has been filed requesting the Council to construct a traffic signal on West 76th Street at United Properties Driveway, and to assess the entire cost against the petitioners, and that said petition has been signed by both owners of the real property where said traffic signal is to be located.
2. The making of said improvement in accordance with said petition is hereby ordered pursuant to Minnesota Statutes, Section 429. Said improvement is hereby designated and shall be referred to in all subsequent proceedings as (TRAFFIC SIGNAL TS-24). The entire cost of said improvement is hereby ordered to be assessed against the properties abutting on West 76th Street and United Properties Driveway where said signal is to be located.

Motion carried on rollcall vote - five ayes.

*COOPERATIVE AGREEMENT WITH Mn/DOT - TRAFFIC SIGNAL AT TH 169 AND LONDONDERRY ROAD Member Maetzold introduced the following resolution, seconded by Member Hovland:

RESOLUTION

BE IT RESOLVED that the City of Edina enter into an agreement with the State of Minnesota, Department of Transportation for the following purposes, to wit:

To revise new traffic control signals, emergency vehicle pre-emption, interconnect and signing of the east ramp of the TH 169 and Londonderry Road intersection; in accordance with the terms and conditions set forth and contained in Traffic Signal Agreement No. 77359

IT IS FURTHER RESOLVED that the Mayor and the Manager are authorized to execute the Agreement.

Passed this 20th day of April, 1998.

Motion carried on rollcall vote - five ayes.

CLAIMS PAID Member Maetzold made a motion to approve payment of the following claims as shown in detail on the Check Register dated April 15, 1998, and consisting of 31 pages: General Fund \$356,217.53; C.D.B.G. \$3,900.00; Communications \$1,342.72; Working Capital \$13,423.98; Art Center \$5,647.54; Golf Dome Fund \$7,171.10; Swimming Pool Fund \$4,675.63; Golf Course Fund \$77,727.56; Ice Arena Fund \$20,024.61; Edinborough/Centennial Lakes \$18,722.33; Utility Fund \$76,489.13; Storm Sewer Utility Fund \$4,102.83; Recycling Program \$34,858.59; Liquor Dispensary Fund \$205,090.80; Construction Fund \$113,519.04; Park Bond

Minutes/Edina CityCouncil/April20, 1998

Fund \$25,534.38; TOTAL \$968,447.77; and for confirmation of payment of the following claims as shown in detail on the Check Register dated April 3, 1998, and consisting of 2 pages: General Fund \$170,839.54; Golf Dome Fund \$23,760.84; Edinborough/ Centennial Lakes \$85.00; Utility Fund \$750.00; Liquor Dispensary Fund \$70,901.43; I-494 Commission \$7,430.75; TOTAL \$273,767.56. Member Faust seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Motion carried.

There being no further business on the Council Agenda, Mayor Smith declared the meeting adjourned at 11:25 P.M.

City Clerk